

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

O R D E R

On August 17, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Thereafter, and within the time limit prescribed by Section 636, petitioner filed objections to the Recommendation and defendant filed a response.

The Court has reviewed the parties' submissions de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

**IT IS THEREFORE ORDERED** that plaintiff's motion for judgment on the pleadings or summary judgment (docket no. 12) is denied, that defendant's motion for judgment on the pleadings (docket no. 14) is granted, and that this action be, and the same hereby is, dismissed.

This the day of September 30, 2005

/s/ N. Carlton Tilley, Jr.  
United States District Judge